

Serial No.: 09/871,171

Docket No.: KCC-15,135

**REMARKS****a). Description Of Amendments**

Applicants' attorney thanks the Examiner for her comments. Claims 1, 2, 4-6, 11-17, 19, 20 and 23-31 are pending in this patent application. Claims 7-10, 18 and 21 have been canceled.

Independent Claim 1 has been amended to require that the first layer comprises a nonwoven web and the second layer comprises a film.

Independent Claims 24 and 29 each has been amended to require forming a *heterogeneous nonwoven web* having a *first fiber set* combined with a *second fiber set*. Applicants have also amended Claim 24 as suggested by the Examiner to overcome the Examiner's objection to Claim 24.

**b). Request For Telephone Interview**

Applicants' undersigned attorney requests a telephone interview with the Examiner. The undersigned requests this interview if the amendments and arguments are not deemed sufficient to place the application in condition for allowance. If the Examiner feels the claims are not allowable for any reason, then please telephone the undersigned, Eric T. Krischke, at 847.490.1400.

**c). Response To Claim Objections**

The Examiner objected to Claim 24 because the term "heterogeneous" was misspelled. Applicants have amended Claim 24 as suggested by the Examiner and, thus, respectfully request withdrawal of this objection.

**d). Response To Claim Rejections**

The Examiner rejected Claims 8-10 under 35 U.S.C. § 112, first

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paragraph. The Examiner alleges that the specification does not reasonably provide enablement for the limitations as set forth in Claims 8-10. Applicants have canceled Claims 8-10, resulting in the rejection being moot. Applicants respectfully request withdrawal of this rejection.

The Examiner rejected Claims 7-10 under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. Applicants have canceled Claims 7-10, resulting in the rejection being moot. Applicants respectfully request withdrawal of this rejection.

The Examiner rejected Claims 8-10 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants have canceled Claims 8-10, resulting in the rejection being moot. Applicants respectfully request withdrawal of this rejection.

The Examiner rejected Claims 1, 2, 4-8, 12, 14-16, 18, 21, 24 and 26-29 under 35 U.S.C. § 102(b) as anticipated by UK Patent Application 1,293,456 ("Breveteam"). This rejection is respectfully traversed particularly in view of the above Amendment and the following remarks.

Breveteam discloses reticulated film or sheet net structures. The structures are produced using shrinkable synthetic high polymer organic (non-fibrous) material sheets. See Breveteam at page 1, lines 24-35. Breveteam is concerned mainly with providing network structures for packaging and transporting purposes. See Breveteam at page 1, lines 8-11. Breveteam is not concerned with structured composite materials having apertures for accommodating passage of fluids through the structured composite material.

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Breveteam does not disclose a method for producing a structured composite material having a plurality of apertures wherein a first layer comprising a *nonwoven web* is formed and a second layer having a shrinkage extent different from the shrinkage extent of the first layer is extruded onto the first layer, as required by Applicants' invention as claimed in independent Claim 1. As acknowledge by the Examiner at paragraph 14 of the Office Action, Breveteam is silent as to extruding the second layer onto the first layer, as required by Applicants' claimed invention. Further, Breveteam does not disclose a method for producing a heterogeneous nonwoven web material having a plurality of apertures wherein the *heterogeneous nonwoven web* includes a *first fiber set* and a *second fiber set* having a shrinkage extent different from a shrinkage extent of the first fiber set, as required by Applicants' invention as claimed in each of independent Claims 24 and 29.

For these reasons, Applicants submit that Claims 1, 2, 4-8, 12, 14-16, 21, 24 and 26-29 are patentable over Breveteam.

The Examiner rejected Claims 11, 13, 23, 25, 30 and 31 under 35 U.S.C. § 103(a) as being unpatentable over Breveteam. This rejection is respectfully traversed particularly in view of the above Amendment and the following remarks.

Claims 11 and 13 ultimately depend from and further limit independent Claim 1, Claims 23 and 25 depend from and further limit independent Claim 24, and Claims 30 and 31 depend from and further limit independent Claim 29. Applicants believe that each of amended independent Claims 1, 24 and 29 is patentable for at least the reasons presented above. Thus, Applicants respectfully request withdrawal of this rejection.

The Examiner rejected Claims 1-7, 9-12, 13-15 and 17-21 under 35 U.S.C. § 103(a) as being unpatentable over Breveteam in view of U.S. Patent 6,503,431 ("Kasai et al."). This rejection is respectfully traversed particularly in view

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of the above Amendment and the following remarks.

As discussed above, Breveteam does not teach or suggest important claimed limitations of Applicants' invention. Kasai et al. does not overcome the deficiencies of Breveteam, regardless of whether Kasai et al. teaches extruding polyethylene and coating it onto paper, cardboard or cellophane. Breveteam, alone or in combination with Kasai et al., does not render Applicants' claimed invention obvious as required under 35 U.S.C. § 103. Thus, Applicants respectfully request withdrawal of this rejection.

The Examiner rejected Claims 1, 4, 5, 7 and 11 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,491,777 ("Bevins, III et al.") in view of U.S. Patent 5,376,198 ("Fahrenkrug et al."). This rejection is respectfully traversed particularly in view of the above Amendment and the following remarks.

Bevins, III et al. discloses a method for forming a composite material having a first nonwoven layer and a second nonwoven layer deposited on the first layer. Bevins, III et al. does not teach or suggest a method for producing a structured composite material having a plurality of apertures, wherein the first layer comprises a nonwoven web and the second layer comprises a film extruded onto the first layer. Fahrenkrug et al. does not overcome the deficiencies of Bevins, III et al. regardless of whether Fahrenkrug et al. teaches forming apertures in a liquid transfer layer. Bevins, III et al., alone or in combination with Fahrenkrug et al., does not render Applicants' claimed invention obvious as required under 35 U.S.C. § 103. Thus, Applicants respectfully request withdrawal of this rejection.

The Examiner rejected Claims 2, 6, 12-16 and 23-31 under 35 U.S.C. § 103(a) as being unpatentable over Bevins, III et al. and Fahrenkrug et al. as applied to Claim 1 above, and further in view of UK Patent Application GB 2,284,786 ("Zelazoski et al."). This rejection is respectfully traversed particularly in view of the

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above Amendment and the following remarks. Claims 2, 6 and 12-16 ultimately depend from and further limit amended independent Claim 1, and are patentable for at least the same reasons.

Independent Claims 24 and 29 each claim a method for producing a structured heterogeneous nonwoven web material having a plurality of apertures for accommodating passage of fluids through the structured heterogeneous nonwoven web material comprising forming a heterogeneous nonwoven web material by combining a first homogeneous fiber set and a second homogeneous fiber set and shrinking at least one of the first homogeneous fiber set and the second homogeneous fiber set to form the structured heterogeneous nonwoven web material.

As described in Applicants' specification, for example at page 29, line 5 through page 30, line 11, the apertured structured heterogeneous material is produced from a heterogeneous mixture of homogeneous fiber sets desirably composed of different polymers having a different shrinking point and a unique shrinkage extent.

As discussed above, Bevins, III et al. teaches a method for forming a composite material having a first nonwoven layer and a second nonwoven layer deposited on the first layer. Bevins, III et al. does not teach or suggest a method for producing a structured composite material having a plurality of apertures, wherein the apertured structured heterogeneous material is produced from a heterogeneous mixture of homogeneous fiber sets, as required by Applicants' claimed invention.

Bevins, III et al., alone or in combination with Fahrenkrug et al. and/or Zelazoski et al., does not render Applicants' claimed invention obvious as required under 35 U.S.C. § 103. Thus, Applicants respectfully request withdrawal of this rejection.

The Examiner rejected Claims 8-10 under 35 U.S.C. § 103(a) as being

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unpatentable over Bevins, III et al. and Fahrenkrug et al. as applied to Claim 1 above, and further in view of U.S. Patent 5,789,328 ("Kurihara et al."). Applicants have canceled Claims 8-10, resulting in the rejection being moot. Applicants respectfully request withdrawal of this rejection.

The Examiner rejected Claim 17 under 35 U.S.C. § 103(a) as being unpatentable over Bevins, III. et al. and Fahrenkrug et al. as applied to Claim 1 above, and further in view of European Patent Application EP 0 586 924 ("Pike et al."). Claim 17 depends from and further limits independent Claim 1, which Applicants believe is patentable for at least the reasons presented above. Applicants respectfully request withdrawal of this rejection.

The Examiner provisionally rejected Claims 1, 2, 4-21 and 23-31 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-4, 7-11, 14, 15, 18, 19, 24-26 and 28 of copending Application No. 09/871,118 in view of Breveteam. The Examiner also provisionally rejected Claims 1, 4, 5, 7-11, 16 and 17 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-4, 7-11, 14, 15, 17-19, 24-26 and 28 of copending Application No. 09/871,118 in view of Bevins, III et al. and Fahrenkrug et al. Further, the Examiner provisionally rejected Claims 2, 6, 12-15 and 23-31 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1, 4, 11, 14 and 24 of copending Application No. 09/871,118 in view of Bevins, III et al., Fahrenkrug et al. and Zelazoski et al.

Applicants file with this Amendment a terminal disclaimer in compliance with 37 CFR 1.321(c) to overcome the provisional rejections based on a nonstatutory double patenting ground.

Applicants believe that the claims, as now presented, are in condition

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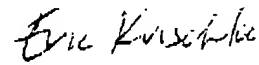
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for allowance. Again, Applicants' attorney thanks the Examiner for her careful consideration of the claimed invention and prior art.

Respectfully submitted,



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